255

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **FAO-2976-2018 (O&M)**
Date of Decision : 17.02.2026

National Insurance Co. Ltd. ... Appellant(s)

Versus

Manjit Kaur & Ors ... Respondent(s)

2. **FAO-4385-2018 (O&M)**

Manjit Kaur & Anr ... Appellant(s)

Versus

Amit Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Suri, Advocate
for the appellant in FAO-2976-2018 and
for respondent No.4 in FAO-4385-2018.

Mr. Yogesh Gupta, Advocate
for respondent No.1 and 2 in FAO-2976-2018 and
for the appellants in FAO-4385-2018.

Mr. Naveen Sharma, Advocate
for respondent Nos.3 and 5 in FAO-2976-2018 and
for respondent No.3 in FAO-4385-2018.

ALKA SARIN, J. (Oral)

1. This order shall dispose off the two above-captioned appeals being **FAO-2976-2018** filed by the Insurance Company and the appeal being **FAO-4385-2018** filed by the claimants challenging the impugned award dated 15.01.2018 passed by the Motor Accident Claims Tribunal, Mohali (hereinafter referred to as 'Tribunal'). The parties are being referred to as Insurance Company and the claimants for the sake of clarity.

2. Learned counsel for the Insurance Company would contend that service of respondent No.4 in **FAO-2976-2018** may be dispensed with.

3. Vide order dated 13.01.2020 passed in **FAO-2976-2018,** service of respondent No.4 was already dispensed with. In view of the fact that service of respondent No.4 was already dispensed with and today also the same has been reiterated by the learned counsel for the Insurance Company, therefore, there is no possible ground to challenge the finding on issue No.1.

4. The Tribunal vide the impugned award dated 15.01.2018 had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹12,000/-
2	Deduction - 1/3rd	₹8,000/- [₹12,000 - ₹4,000]
3	Future Prospects - 25%	₹10,000/- [₹8,000 + ₹2,000]
4	Annual Income	₹1,20,000/- [₹10,000 x 12]
5	Multiplier - 14	₹16,80,000/- [₹1,20,000 x 14]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	**₹17,50,000/-**
	Interest	**6%**

5. Learned counsel for the Insurance Company would contend that the age of the deceased has been taken as 45 years, however, he was 51 years at the time of the accident as per his employment record which was produced on record by the claimants themselves as Ex.PW3/B wherein the date of birth has been shown as 05.01.1964. It is further the contention of the learned counsel that since the age of the deceased was 51 years, hence, future prospects ought to have been 10% and a multiplier would be 11. It is further the contention of the learned counsel that the income of the deceased has been assessed on the higher side as there is no cogent proof regarding the income.

6. Learned counsel for the claimants has contended that the Insurance Company wants to blow hot and cold in the same breath as on one hand they are wanting to rely upon the evidence produced by PW3 qua the age of the deceased, however, qua the income the learned counsel for the Insurance Company wants the very same evidence to be rejected. Learned counsel has further contended that as per the post-mortem report, the age of the deceased was 45 years and, therefore, future prospects and multiplier have rightly been applied. Learned counsel has further contended that the deceased was also selling milk to the Cooperative Society, however, the same was not taken into account while assessing the income of the deceased. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. I have heard the learned counsel for the parties.

8. In the present case, PW3 – Kaushal Kishore Chaudhary – had stepped into the witness box and had brought the record relating to the employment of the deceased – Gurmit Singh – with Nova Security Services Pvt. Ltd., which is Ex.PW3/B and the salary detail for the period 01.11.2014 to 28.02.2015 was produced on record as Ex.PW3/C . The salary detail for the period January 2015 was also produced as Ex.PW3/D and for the month of December 2014 as Ex.PW3/E. Attendance certificate and attendance sheet

were also produced on record as Ex.PW3/F to Ex.PW3/K. As per the said record, the date of birth of the deceased was 05.01.1964 i.e. 51 years at the time of the accident and the income was ₹12,000/- per month. The Court can either rely upon the said document in totality or reject it in totality. The Court cannot pick and choose the evidence led by PW3 and accept part of a particular document and reject some other part of the same document. In view thereof, the age of the deceased would also have to be assessed as per the document (Ex.PW3/B) produced by PW3 and the income would also have to be assessed as per the salary details produced by PW3. Accordingly, the age of the deceased is assessed as 51 years and his income as ₹12,000/- per month.

9. The argument of the learned counsel for the claimants that no amount has been awarded towards the income that the deceased was earning by selling milk to the Cooperative Society cannot be accepted inasmuch as the evidence on the record (Ex.PW1/O) are only the photocopies of the entries from the register of the Cooperative Society and the name mentioned on top is Gurmit Singh, however, even the parentage has not been mentioned. In the absence of any person from the Cooperative Society having proved the said document in accordance with law and also to have co-related it to the deceased, the same cannot be relied upon.

10. Since the age of the deceased is assessed as 51 years, hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra) and **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, an addition of 10% would have to be made towards future prospects and a multiplier of 11 would be applicable. The reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹12,000/-
2	Annual Income	₹1,44,000/- [₹12,000 x 12]
3	Deduction - 1/3rd	₹96,000/- [₹1,44,000 - ₹48,000]
4	Future Prospects - 10%	₹1,05,600/- [₹96,000 + ₹9,600]
5	Multiplier - 11	₹11,61,600/- [₹1,05,600 x 11]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 1] (iii) Spousal	 ₹48,000/- ₹48,000/- (Total ₹96,000/-)
	Total Compensation	**₹12,93,600/-**

11. In view of the above discussion, the impugned award passed by the Tribunal is modified. Accordingly, the appeals being **FAO-2976-2018** and **FAO-4385-2018** stand disposed off. Pending applications, if any, also stand disposed off.

17.02.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO